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FOR: Examiner Irene Marx

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FROM: Robert M. Siminski

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**COMMENTS:**

Re: Serial No. 09/773,365  
Our Reference: 8920-000005

Dear Ms. Marx,

As a follow up to your telephone message on June 10, 2003, attached is a copy of the Response to the Office Action mailed on February 13, 2003.

If you have any questions I can be reached at (248) 641-1234.

Sincerely,



Robert M. Siminski

**\*\*\* NOTICE \*\*\***

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/773,365
	Filing Date	January 31, 2001
	First Named Inventor	Khowala et al
	Group Art Unit	1651
	Examiner Name	Irene Marx
Total Number of Pages in This Submission	Attorney Docket Number	8920-000005

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): This Transmittal Form Response to Office Action Copy of Reference Requested by Examiner Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Saul L. Jackson, Reg. No. 52,391 Harnes, Dickey & Pierce, P.L.C.
Signature	<i>Saul L. Jackson</i>
Date	May 2, 2003

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: <i>Commissioner for Patents</i> Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>May 2, 2003</u>		
Typed or printed name	Saul L. Jackson, Reg. No. 52,391	
Signature	<i>Saul L. Jackson</i>	Date <u>May 2, 2003</u>

Attorney Docket No.: 8920-000005

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Khowala et al. :  
Serial No. 09/773,365 : Art Unit: 1651  
Filed: January 31, 2001 : Examiner: Irene Marx  
For: A METHOD FOR ENHANCING :  
CELLOBIASE ACTIVITY OF :  
THE NOVEL STRAIN TERMITO- :  
MYCES CLYPEATUS USING :  
2-DEOXY-D-GLUCOSE AS :  
GLYCOSYATION INHIBITOR :

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

In response to the Office Action mailed February 13, 2003, please consider the remarks set forth below.

**REMARKS**

Claims 3 and 6-12, as amended in previous papers, are pending in the application. Applicants thank Examiner Marx for the courtesies extended in the interview with Applicants' attorney on April 29, 2003.

Applicants request reconsideration and withdrawal of the rejection of claims 3 6-12 under 35 U.S.C. § 103(a) because the P.T.O. has not established a *prima facie* case for obviousness as required under recognized patent practice and procedure as well as by case law. To establish a *prima facie* case for obviousness, the P.T.O. must show that all claim limitations are taught or suggested. M.P.E.P. § 2143.03; *In re Royka*, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970) ("All words in a

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